

Chapter 03 PUBLIC PARKS

Sections:

- 301 Parks Defined**
- 302 Administration and Operation**
- 303 Permit—Required When—Application and Fees**
- 304 Groups May Not Impose Use Charges**
- 305 Permits**
- 306 Permit—Cancellation Conditions**
- 307 Park Hours**
- 308 Speed**
- 309 Motor Vehicles**
- 310 Animals**
- 311 Disorderly Conduct**
- 312 Bathing**
- 313 Public Nudity**
- 314 Use of Tobacco, Marijuana, and Smoking Prohibited**
- 315 Alcoholic Beverages / Controlled Substances**
- 316 Fire**
- 317 Fireworks**
- 318 Firearms / Hunting**
- 319 Injuring Birds, Nests, Eggs or Animals**
- 320 Rubbish and Recycling**
- 321 Vending and Soliciting Prohibited**
- 322 Drones**
- 323 Metal Detectors**
- 324 Cutting, Pruning or Removing Trees, Shrubs, Plants**
- 325 Planting of Trees**
- 326 Damage to Parks**
- 327 Enforcement**
- 328 Violations - Penalties**
- 329 Severability**

301 Parks Defined

- A. The following shall constitute the parks of the City of Essex Junction and be used as such by the public under the rules and regulations as set by Essex Junction Recreation & Parks (EJRP). It includes all facilities, amenities, parking lots, and grounds within park boundaries.
 - a. Cascade Park
 - b. Maple Street Park
 - c. Meadow Terrace Community Garden
 - d. Stevens Park
 - e. Tree Farm Recreational Facility
 - f. West Street Community Gardens
 - g. West Street Dog Park

302 Administration and Operation

- A. All City parks will be operated, maintained and administered under the direct control and supervision of the Recreation & Parks Director (hereinafter “director”).

303 Permit—Required When— Application and Fees

- A. Permits shall be acquired by any group totaling 6 or more persons, including organizations and teams, who desire exclusive use of rentable areas of the City parks. These areas must be reserved in advance through the director, and reasonable fees may be charged in accordance with the rules and regulations as established by the director.
- B. Application for permits must be signed by an authorized representative of the group, who will be accountable for any damage or loss of property arising from such use.

304 Groups May Not Impose Use Charges

- A. No group or team may impose charges on persons or parties using the park or recreation facilities.

305 Permits

- A. Depending on the size of the group and nature of the event, the permitters may be required to sign an agreement with the City that contains an indemnity provision and may need to provide event insurance that names the City as an additional insured.
- B. No person or group to whom a permit is issued shall be released from any personal liability because of the issuing of a permit, and shall hold and shall agree to hold the City of Essex Junction and its employees free and harmless from any and all liability by virtue of their use of the park.
- C. Any permit issued shall be a binding agreement or contract between the persons to whom it was issued and the parks and recreation department.
- D. Whenever such permit is revoked, no part of the fee paid therefore shall be returned.

306 Permit—Cancellation Conditions

- A. Permits may be canceled by the director or City Manager if the intent of the permit is violated or if the permit holders/users violate any of the park rules and regulations.

307 Park Hours

- A. All parks and recreation areas shall be closed between 9 p.m. and 7 a.m. unless there is a recreation department sponsored activity taking place or a permit for other hours is obtained in advance from the director. Trespassing signs shall be posted at each park in accordance with state statutes.
- B. Camping is allowed at Maple Street Park with a permit from the director.

308 Speed

- A. The maximum vehicle speed within the park boundaries, including parking lots, shall be 5 miles per hour.

309 Motor Vehicles

- A. All state statutes regulating motor vehicle operation or other motorized vehicles shall be applicable within the confines of any park.
- B. The director may allow vehicles in prohibited areas for special events occurring in such areas.
- C. Parking is allowed only in designated areas or as directed by the director. Violators may be towed at the owner's expense.

310 Animals

- A. No domestic animals, except dogs, shall be permitted in any park.
- B. Dogs shall be under control of the owners or handlers and be held on leash.
- C. All dogs must wear a collar or harness with current license attached. Any dogs visiting from another town, city or state must wear a collar or harness with current license of said jurisdiction.
- D. Service animals shall adhere to the American with Disabilities Act regulations.
- E. If a dog defecates on park property, the owner, agent, or guardian of the dog shall be required to pick up any fecal matter and properly dispose of it in a trash receptacle or take it off park property and dispose of it. This is true for unleashed exemptions as well.
- F. The director may designate areas within parks where dogs are prohibited. These dog restricted areas shall be properly marked with signage.
- G. Dogs may be unrestrained by leash, cord, or chain in the following places:
 - a. Within the confines of the fenced-in dog park located at 111 West Street, according to the regulations for use of the park.

311 Disorderly Conduct

- A. No person shall engage in disorderly conduct as defined in 13 V.S.A. § 1026 in any park of the City of Essex Junction.
- B. No person shall make, cause to be made, or depict graffiti, indecent figures, letters, words or write indecent or obscene words on natural or manmade park property.

312 Bathing

- A. Removing bathing apparel or swimwear in public view is prohibited. "Bathing apparel or clothing" includes bathing suits, or clothing worn for bathing purposes including, but not limited to shorts, cutoffs, or swim trunks.

313 Public Nudity

- A. No person shall knowingly or intentionally in a public place:
 - a. Engage in sexual intercourse;
 - b. Be nude
 - c. Fondle their genitals;
 - d. Fondle the genitals of another person;
 - e. Fondle their breasts;
 - f. Fondle the breasts of another person.

314 Use of Tobacco, Marijuana, and Smoking Prohibited

- A. It shall be unlawful to use or smoke any tobacco products, cigarettes, smokeless tobacco, electronic cigarettes, tobacco substitutes, nicotine products, or marijuana (including medical marijuana) in the parks. Smoking is defined as the act of inhaling a burning product of any type, including but not limited to the use of flammable products, vape, electric devices, or water devices, which by use creates a smoke or vapor which may be inhaled.
- B. Exceptions:
 - a. Products that have been approved by the U.S. Food and Drug Administration for tobacco cessation or other medical purposes shall not be considered to be tobacco substitutes.

315 Alcoholic Beverages / Controlled Substances

- A. No malt, vinous or spirituous liquors or other controlled substances under federal or state law, shall be permitted within park boundaries.
- B. Exceptions
 - a. Groups may obtain a permit from the director to host a private event with alcohol being served. All Vermont State laws must be adhered to.
 - b. The parks and recreation department may host an event with alcohol being served by obtaining permission from the City Council. All Vermont State laws must be adhered to.

316 Fire

- A. Fires shall be built only in fire pits, fireplaces or charcoal grills at picnic and camping areas except as otherwise provided in these rules and regulations or unless a permit for other areas is obtained in advance from the director.
- B. All fires must be attended and under control at all times and extinguished completely when unattended.

317 Fireworks

- A. No fire crackers or other explosive devices shall be displayed or discharged in the park without a permit from the City Council.

318 Firearms / Hunting

- A. No person shall carry or have any firearms in any parks, except any law enforcement officer or animal control warden in the course of duty.
- B. All parks fall within the area where discharge of firearms is prohibited.
- C. A person who intends to set a trap for any animal on any park property shall, prior to setting the trap, request permission from the director. The director may, at any time, refuse to grant permission to set a trap or at any time revoke the permission if previously granted.

319 Injuring Birds, Nests, Eggs or Animals

- A. No unauthorized person shall disturb, destroy or injure any bird, bird's nest, eggs, or any squirrel or other animal.

320 Rubbish and Recycling

- A. The parks are to be kept in a neat, clean and sanitary condition at all times.
- B. No glass containers shall be permitted within the park boundaries.
- C. All refuse and recycling shall be placed in receptacles provided for that purpose. If receptacles are not available, all refuse and recyclables shall be carried out of the park by the user/consumer.

321 Vending and Soliciting Prohibited

- A. There shall be no soliciting, vending, sale or rental of goods, products, wares or services without a special permit secured in advance from the director.

322 Drones

- A. Anyone wishing to fly a drone over park property must first obtain a permit from the director. The director may establish regulations related to the use of drones. Any person who obtains a drone permit to operate a drone in a park shall also be required to be in compliance with all applicable state and federal regulations.

323 Metal Detectors

- A. Metal detecting activity is permitted in parks with advanced permission from the director.
- B. Metal detecting activity cannot interfere with park use or activities.
- C. Only “probes” such as a screwdriver no larger than 3/8" diameter are allowed. Shovels, trowels, plug cutters and knives are not permitted. Metal must be removed with minimal sod disturbance. Sod may not be lifted in any manner. There should be no noticeable impact to park property resulting from metal detecting activity.
- D. Trash and scrap metals must be removed and disposed of in an appropriate manner.

324 Cutting, Pruning or Removing Trees, Shrubs, Plants

- A. No plant, tree or shrub may be uprooted or cut without a written permit from the director.
- B. No person shall take or carry away a plant, flower, vine, vase, pot or other vessel used for flowers or plants.
- C. Wild berries, fruits, seeds, nuts or mushrooms may be collected only for personal use at the risk of the collector, and must be consumed on park property. Commercial harvesting of such items for profit is allowed only with a special permit from the director.

325 Planting of Trees

- A. No tree shall be planted in any public park without the approval of the director.

326 Damage to Parks

- A. No person shall pick any flowers, fruit or foliage, or cut, break, dig up, or in any way mutilate or injure any tree, shrub, plant, grass, turf, railing, seat, bleachers, fence, structure, or equipment in the parks, or cut, carve, paint, mark or paste on, mar or otherwise deface any trees, stone, fence, wall, building, monument or other natural or manmade City property.
- B. No person shall post anywhere in the parks or on vehicles at the parks any bills, advertisements, banners or inscription whatsoever without permission of the director.
- C. Approved bills, advertisements, banners or inscriptions shall not be posted longer than approved by the director.
- D. Bills, advertisements, banners or inscriptions that do not adhere to the approval guidelines will be promptly removed.

327 Enforcement

- A. This is a civil ordinance and shall be enforced as set forth in 24 V.S.A. § 1974a et seq.

328 Violations – Penalties

- A. Any person in violation of any provisions of this Chapter may be fined. If any violation continues, each day shall constitute a separate violation.

a. Waiver Fees

- i. An issuing municipal official is authorized to recover a waiver fee, in lieu of a civil penalty, for any person who declines to contest a municipal complaint and pays the following waiver amount for each violation:

First Offense	\$50.00
Second Offense	\$100.00
Third and subsequent Offense	\$200.00
Offenses shall be counted on a calendar year basis.	

b. Civil Penalties

- i. An issuing municipal official is authorized to recover civil penalties in the following amounts for each violation:

First Offense	\$100.00
---------------	----------

Second Offense \$200.00

Third and subsequent Offense \$400.00

Offenses shall be counted on a calendar year basis.

- B. In addition to the enforcement procedures available before the Judicial Bureau, the municipal manager or designee is authorized to commence a civil action, pursuant to 24 V.S.A. Chapter 117, to obtain injunctive and other appropriate relief, or to pursue any other remedy authorized by law.
- C. Essex Police, at their own discretion or at the request of the director, may issue a notice of trespass from park property for up to one year to individuals violating parks ordinances.

329 Severability

- A. If any portion of this ordinance and any amendments made hereto are held unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance and amendments made hereto shall not be affected and shall remain in full force and effect. If any statute referred to in this ordinance shall be amended, this ordinance shall be deemed to refer to such statute as amended.

Adopted by the City Council on 06/28/2023